

Docket No.: 085742-0497

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Benjamin OSHLACK

Patent Number: 7,514,100

Application No.: 10/660,349

Filed: September 11, 2003

For: CONTROLLED RELEASE HYDROCODONE FORMULATIONS

WITHDRAWAL OF PETITIONS

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby withdraw the Petitions under 37 C.F.R. §§ 1.181, 1.182, and 1.183 (filed July 22, 2010), the Request for Reconsideration under 37 C.F.R. § 1.705 (filed July 22, 2010), and the Request for a Certificate of Correction (filed August 23, 2010). Each of these Petitions and Requests sought a change in the patent term adjustment (PTA) for U.S. Patent No. 7,514,100 (the ‘100 patent).

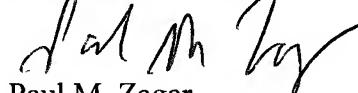
Applicants based their PTA calculations upon (i) the title page of the ‘100 patent, which did not show that the ‘100 patent is subject to any terminal disclaimers, and (ii) the ‘100 patent’s “Transaction History” in the USPTO’s PAIR database, which did not contain any entries regarding a terminal disclaimer, except the May 17, 2005 entry: “Paralegal TD not accepted.”

However, Applicants' recent review of the prosecution history revealed that a terminal disclaimer and a statement under 37 C.F.R. § 3.73(b) were in fact filed during prosecution of the '100 patent, and that the terminal part of the statutory term of the '100 patent which would have extended beyond the full statutory term of U.S. Patent No. 6,733,783 is disclaimed.

Consequently, Applicants request that the above-identified Petitions and Requests be withdrawn.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Paul M. Zagar
Registration No. 52,392

PMZ:MWE

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 212.547.5400
Facsimile: 202.756.8087

Date: November 11, 2010

**Please recognize our Customer No. 20277
as our correspondence address.**